

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO.: 1:22-CR-00336
	)	
Plaintiff,	)	HON. THOMAS M. PARKER
	)	
v.	)	
	)	
ELIJAH S. PAYNE,	)	<u>SUPPLEMENTAL BRIEF</u>
	)	
Defendant.	)	

Now comes the United States of America, by and through its counsel of record, Michelle M. Baeppler, First Assistant United States Attorney and Jason W. White, Special Assistant United States Attorney, and supplements the record as to the issue of detention for the above-named defendant. The United States proffers this addition information in support of its motion for detention and contends that it has met its burden under 18 U.S.C. § 3142(e) that there is no condition or combination of conditions that will reasonably assure the appearance of the person as required and the safety of any other person and the community.

In early March 2022, Cleveland Police officers served a state-issued search warrant upon Meta, Inc. requesting Instagram account activity for the username “ysc\_el” between October 1, 2021 to February 4, 2022. This Instagram account belongs to PAYNE. The United States proffers the following additional facts contained in the Instagram search warrant return for the exhibits previously admitted:

1. As it relates to Government’s Exhibit 4, PAYNE posted the photograph to his Instagram account as a “Story” on November 12, 2021. A “Story” is a shared photograph or video that disappears from an Instagram account profile, Feed, and messages after 24 hours.

Instagram, Help Center, Stories,

[https://help.instagram.com/1660923094227526/?helpref=hc\\_fnav](https://help.instagram.com/1660923094227526/?helpref=hc_fnav). “Stories” are

automatically saved in a “Stories Archive” by Instagram. *Id.*

2. As it relates to Government’s Exhibit 5, PAYNE posted the photograph to his Instagram account as a “Story” on January 26, 2022.
3. As it relates to Government’s Exhibit 6, PAYNE posted the video to his Instagram account as a “Story” on December 10, 2021.
4. As it relates to Government’s Exhibit 7, PAYNE posted the photograph to his Instagram account as a “Story” on an unknown date. Additional evidence obtained during the investigation established PAYNE’s travel to Los Angeles.
5. As it relates to Government’s Exhibit 8, PAYNE posted the video to his Instagram account as a “Story” on January 19, 2022.
6. As it relates to Government’s Exhibit 9, PAYNE posted the photograph to his Instagram account as a “Story” on an unknown date.
7. As it relates to Government’s Exhibit 10, PAYNE posted the photograph to his Instagram account as a “Story” on an unknown date.
8. As it relates to Government’s Exhibit 11, PAYNE posted the photograph to his Instagram account as a “Story” on January 19, 2022. Additional evidence obtained during the investigation includes fraudulent financial transactions made by PAYNE occurring in St. Louis.
9. As it relates to Government’s Exhibit 12, PAYNE posted the photograph to his Instagram account as a “Story” on December 3, 2021.

10. As it relates to Government's Exhibit 13, PAYNE posted the photograph to his Instagram account as a "Story" on November 5, 2021.
11. As it relates to Government's Exhibit 14, PAYNE posted the photograph to his Instagram account as a "Story" on December 10, 2021.
12. As it relates to Government's Exhibit 15, PAYNE posted the photograph to his Instagram account as a "Story" on January 20, 2022.
13. As it relates to Government's Exhibits 16 and 17, law enforcement officers photographed a check with blood stains found at the scene as referenced in Government's Exhibit 3.
14. As it relates to Government's Exhibit 18, PAYNE sent this video as a message to Instagram user "stacksss1" on October 28, 2021.
15. As it relates to Government's Exhibit 19, the video was located as a message in the search warrant return.
16. As it relates to Government's Exhibit 20, the video was located as a message in the search warrant return.
17. As it relates to Government's Exhibit 21, PAYNE sent this video as a message to Instagram user "deemoney\_swipe."

For the reasons stated during the detention hearings held on July 7, 2022 and August 12, 2022 and considering the information proffered above, the United States submits that there is no condition or combination of conditions that will reasonably assure the appearance of the person as required and the safety of any other person and the community and therefore PAYNE must be detained.

Respectfully submitted,

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